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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,617	12/21/1999	Robert J. Munger	FS-00464	3841

30743 7590 05/17/2005

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

CRAIG, DWIN M

ART UNIT PAPER NUMBER

2123

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/468,617

Applicant(s)

MUNGER ET AL.

Examiner

Dwin M Craig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-10** have been presented for reconsideration in view of Applicant's arguments.

2. The Examiner notes that a new area of classification, specifically class 715/700-865 has been created and this new re-classification is titled, "PRESENTATION PROCESSING OF DOCUMENT, OPERATOR INTERFACE PROCESSING, AND SCREEN SAVER DISPLAY PROCESSING". The Examiner respectfully submits that an updated search in the newly re-classified art area was required. The Examiner has performed an updated search, including the subclasses noted above, to ensure a proper review of the prior art. The Examiner notes the following from section **904.02(a)** of the MPEP, Eighth Edition, Revision 2, May 2004, *"In outlining a field of search, the examiner should note every class and subclass under the U.S. Patent Classification system and other organized systems of literature that may have material pertinent to the subject matter claimed."*

Response to Arguments

3. Applicant's arguments submitted on 1-19-2005 have been fully and carefully considered.

The Examiner's response is as follows:

3.1 Regarding Applicant's remarks concerning the scope of the presented claims versus the concepts presented in the prior art references, Heath et al. U.S. Patent 4,845,665 Baum et al. U.S. Patent 5,249,121 and Appleford U.S. Patent 5,270,931.

Applicant argued:

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Thus the basic concept of the invention is the transfer of tables defining the interface back and forth between an operational system and a simulator for simulating that operational system. It is respectfully submitted that this concept is not addressed by the Heath et al. and Baum et al. or Appleford references relied upon by the Examiner.

The Examiner notes that the *Appleford* reference discloses transfer of information between one computing device and an operator interface (U.S. Patent 5,270,931 Figures 1-11), and that this data is stored in a tabular format (U.S. Patent 5,270,931 Figure 10 item 112). It is further noted by the Examiner that the *Baum* reference discloses, (U.S. Patent 5,249,121 Col. 3 lines 34-38), *"In the light of the foregoing needs, it is the primary object of the present invention to provide remote control console for use in conjunction with a main console of a microsurgical system used to operate microsurgical instruments. It is a related object of the present invention to provide such a remote controller which simulates most functionality provided through the operator interface on a main surgical console."*

However, after a careful review of Applicant's arguments regarding the applied prior art references the Examiner has applied, the Examiner notes that there is no proper motivation to combine the cited references as they are not both directed towards solving the problem of reprogramming an operator interface. The Examiner with draws the earlier 35 U.S.C. 103(a) rejections of claims 1, and 3-10 and applies a new 35 U.S.C. 102(b) rejection of the Applicant's claims.

3.2 Regarding Applicant's request for an interview:

The Examiner will grant an interview at the Applicant's convenience.

3.3 An updated search, based on the newly reclassified 715 art area has revealed new art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Independent **Claim 1** and dependent **Claims 3-10** are rejected under 35 U.S.C. 102(b) as being anticipated by **de Gyarfas et al. U.S. Patent 5,286,202**.

4.1 As regards independent **Claim 1** the *de Gyarfas et al.* reference teaches, *a method of programming an operator system interface with a simulator (Col. 2 Lines 50-57),* "The Term "glass trainer" as used herein which means a training system as described herein which uses overlaid images on video monitors to simulate the appearance of the hardware controls in a plurality of control states for different hardware. The glass trainer of the invention thus avoids the cost, expense and time associated with simulating a variety of different hardware in a variety of operating states."

Providing, as an input to a computing device other than a computing device said operator system interface, (Figure 1 items 18, 24 and 16), item 18 is the "Graphics Authoring Workstation" where the "*operator interface*" is programmed, item 16 is the "Glass Student Training Station" where the actual simulation of the "*operator interface*" is provided for training. Also see (Figures 2, 3 and 4).

Definitional tables for said operator interface, wherein said tables define specific governing attributes of said operator system interface, the Examiner notes that a “database” is functionally equivalent to a plurality of tables. The *de Gyarfas et al.* reference teaches a database that contains definitions of the governing attributes of the operator interface (**Figures 7 and 8, Col. 7 lines 3-9, Col. 7 lines 52-68, Col. 8 lines 1-10, Col. 9 lines 10-66**).

Generating an operator system interface simulator program distinct from said operator system interface, wherein, when the simulator program is run on said computing device other than said computing device providing said operator system interface, said simulator program performs display of a representation of the operator system interface defined by the definitional tables input in the providing step and allows a user to select components of the operator system interface using a pointing device (**Figure(s) 1, 2, 3, 6a-6l, & 8 Col. 2 lines 58-68, Col. 3 lines 1-29, Col. 5 lines 2-68 all of Col. 6 and Col. 7 lines 30-51**), as regards the “pointing device” see **Figure 3 item 44**.

In order to view information about the selected component on a display device, (Figure 4 item 64, 66 and 68, Col. 3 lines 57-60), or to effect a change in keysets or menus (Figures 6a-6l, and Figure 9, Col. 11 lines 5-25), thereby modifying said representation of the operator system interface within said simulator program, and modifying said definitional tables (database) to correspond to said modifying of said representation to reprogram said operator system interface (**Col. 12 lines 22-29, Figure 1 item 18**).

4.2 As regards dependent **Claim 3** the *de Gyarfas et al.* reference teaches generating the operator interface using the definitional database (*tables*) (**Col. 12 lines 22-29**) and

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developing an operational operator interfaces (**Col. 1 lines 42-48** *hardware mockups are used for developing actual systems*).

4.3 As regards dependent **Claims 4-7** see (**Col. 1 lines 59-68 and Col. 2 lines 1-18**).

4.4 As regards dependent **Claim 8** the *de Gyrfas et al.* reference teaches using a personal computer (**Figure 3 Col. 3 lines 24-29**).

4.5 As regards dependent **Claims 9 and 10** the *de Gyrfas et al.* reference teaches training and demonstration (**Figure 1 item 26, Col. 1 lines 59-68, Col. 2 lines 1-18**).

Allowable Subject Matter

5. Dependent **Claim 2** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **Claims 1-10** have been presented for reconsideration in view of Applicants request for reconsideration. **Claims 1 and 3-10** are rejected. **Claim 2** is objected to. This Office Action is **Non-Final**.

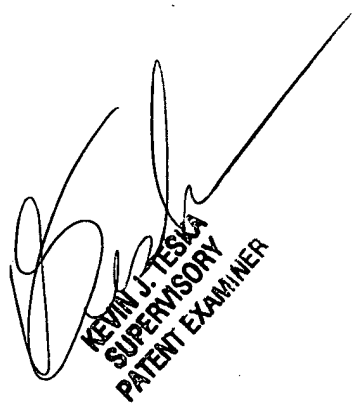
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (571)272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER